

City of Sherwood, OR.
Ordinance No. 88-883

AN ORDINANCE APPROVING A MINOR ZONING MAP AMENDMENT FROM HIGH DENSITY RESIDENTIAL (HDR) TO GENERAL COMMERCIAL (GC) FOR TAX LOT 1100, WASHINGTON COUNTY ASSESSORS MAP 2S-1-30D, CONSISTING OF 3.34 ACRES MORE OR LESS, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, application has been made to amend the zoning designation of Tax Lot 1100 : 30D from HDR to GC for the purposes of locating a new retail hardware store and implement rental outlet on this presently vacant property, and

WHEREAS, the City Planning Commission received the report of City planning staff reviewing the application, making proposed findings of fact, and recommending certain conditions of approval, and said report (file No. MPA 88-1, dated July 8, 1988) is made part of this Ordinance by reference, and

WHEREAS, the City Planning Commission held a public hearing on July 18, 1988 on the proposed zoning amendment, and after full and due consideration of the evidence, reports, and testimony presented, adopted the findings of fact outlined in the planning staff report (MPA 88-1, July 8, 1988) and recommends APPROVAL of the zoning amendment subject to certain conditions, and

WHEREAS, the following conditions of approval were recommended by the Planning Commission:

1. A deceleration and acceleration lane shall be provided approaching the point of access. The specific lane design shall be approved by Oregon Department of Transportation.
2. The area defined as Cedar Creek floodplain on the subject site shall be dedicated to the City.
3. At the time of development, City water shall be extended the length of the property's highway frontage.
4. Within 60 days of the approval date, the applicant shall submit a site plan and transportation plan for Planning Commission's approval. The GC zoning shall not go into effect until the site plan is approved.

WHEREAS, the following condition of approval was suggested in the staff report but NOT recommended by the Planning Commission.

- A. Access to the site shall be combined with the adjoining Tax Lot 1200. The specifics of access location shall be considered during site plan review.

WHEREAS, the City Council has received the City planning staff report, the notice of decision, the minutes of the Planning Commission meeting, the original application, and a supplemental report and materials prepared by the City Manager, and has reviewed the material submitted and the facts of the proposal

NOW, THEREFORE, THE CITY ORDAINS AS FOLLOWS:

Section 1. COMMISSION REVIEW: That the application for a zoning map amendment from HDR to GC for Tax Lot 1100 : 30D was subject to full and proper review, and a public hearing, before the City Planning Commission on July 18, 1988.

Section 2. MINOR AMENDMENT: That the application qualifies as a minor zoning map amendment, as per the Zoning and Community Development Code Section 4.202.02C, as the parcel in question is less than four (4) acres in size, and the Council finds that the record made at the Commission is adequate and there is no need or request for an additional public hearing.

Section 3. FINDINGS: That, after full and due consideration of the application, the City staff reports, and the record, findings, and conditional recommendations of the Planning Commission, the Council adopts the findings contained in the planning staff report and in the Commission's recommendation, and further finds that the proposed minor zoning map amendment is in conformance with all requirements of the Zoning and Community Development Code Section 4.203.02, subject to any additional findings or conditions contained herein.

Section 4. APPROVAL: That the request for a minor zoning map amendment from HDR to GC for Tax Lot 1100, Washington County Assessors Map 2S-1-30D, consisting of 3.34 acres, more or less, is APPROVED, subject to the conditions contained herein.

Section 5. CONDITIONS: That the aforementioned approval is conditioned on either the satisfaction of the following criteria prior to the actual development of Tax Lot 1100 or, if applicable, on posting of a performance bond or other security acceptable to the City:

1. That a development site plan application be made, and the application be approved by the Planning Commission, as per the Zoning and Community Development Code, Section 5.102.
2. That the proposed site plan satisfy all requirements of the Zoning and Community Development Code, Chapter 5, including a satisfactory access plan, and all other applicable City zoning ordinances, as determined by the Planning Commission.
3. That a common access driveway to and from Highway 99W be constructed for Tax Lots 1100 and 1200 : 30D provided that:

- a. The common access driveway is feasible and practical from an engineering standpoint, as determined by the City Engineer.
 - b. Each property owner is solely responsible for the costs of constructing and maintaining those portions of the common access driveway on their individual lots, generally as shown in red on the attached Exhibit 1.
 - c. Tax Lot 1100 shall grant an access easement to Tax Lot 1200 for those portions of the access driveway on Tax Lot 1100.
 - d. The portion of the access driveway on Tax Lot 1200 shall be required to be constructed to no greater standard than the existing southerly access driveway to Tax Lot 1200, said existing southerly access to be permanently closed.
 - e. The existing northly access driveway to Tax Lot 1200 shall remain open.
 - f. The portion of common access driveway on Tax Lot 1100 shall be constructed, and access easements to Tax Lot 1200 granted, no later than January 1, 1989.
4. That, in addition to the aforementioned City development requirements, the following actions are undertaken:
- a. That a deceleration and acceleration lane be constructed by the applicant at the point of access of the proposed development to Highway 99W, with the specific lane design and length being approved by the Oregon Department of Transportation.
 - b. That the area of Cedar Creek floodplain within Tax Lot 1100 : 30D be dedicated to the City in accordance with City floodplain and greenway policies and ordinances.
 - c. That City water service shall be extended across the full frontage of Tax Lot 1100 : 30D along Highway 99W.

Section 6. MANAGER AUTHORIZED: The City Manager is directed to take such action as may be necessary to document this amendment, including producing a certified modification of the Official City Zoning Map, at such time as all conditions of approval have been fully satisfied in accordance with City ordinances and regulations, as determined by the City Manager.

Section 7. EFFECTIVE DATE: This Ordinance shall become effective coincident with the certification by the City Manager

that all conditions of approval have been satisfied or completed, or that a satisfactory performance bond or other security acceptable to the City has been posted guaranteeing completion of all conditions, but in any event this Ordinance shall not become effective earlier than thirty (30) days after passage and approval.

Passed by unanimous vote of the City Council this 10th day of August, 1988.

Approved by the Mayor this 12th day of August, 1988.

Norma Jean Oyler
Norma Oyler, Mayor

Attest:

Polly Blankenbaker
Polly Blankenbaker, Recorder

	Aye	Nay	Abstain
Oyler	_____	_____	_____ ✓
Hitchcock	_____ ✓	_____	_____
Stewart	_____ ✓	_____	_____
Birchill	_____ ✓	_____	_____
Chavez	_____ absent	_____	_____

TAX LOT: 100: 2S 1 30D
CASE NO: MPA 88-1
DATE: 7/19/88

NOTICE OF DECISION

TO: J. Ben Reid
420 Roy Street
Sherwood, OR 97140

The Planning Commission of the City of Sherwood, Oregon decided to recommend approval of your application for a Minor Plan Amendment from HDR to GC on July 18, 1988. The recommendation will be forwarded to the City Council.

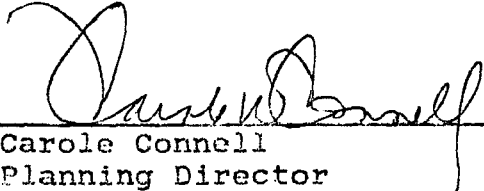
The decision was based on the following major findings:

See Staff Report Dated July 8, 1988.

The following conditions were placed on approval of the application:

1. A deceleration and acceleration lane shall be provided approaching the point of access. The specific lane design shall be approved by ODOT.
2. The area defined as Cedar Creek floodplain on the subject site shall be dedicated to the City.
3. At the time of development, City water shall be extended the length of the property's highway frontage.
4. Within 60 days of the approval date the applicant shall submit a site plan, and transportation plan for Planning Commission's approval. The GC zoning shall not go into effect until the site plan is approved.

Signed: _____


Carole Connell
Planning Director

Final Action
 X Additional Required Action

Review Body

Date of Meeting

 Planning Commission

August 10, 1988

 X City Council

STAFF REPORT

TO: City of Sherwood
Planning Commission

DATE TYPED: July 8, 1988

FROM: Carole W. Connell
Consulting Planner

FILE NO: MPA 88-1

SUBJECT: Request for a Minor Plan Amendment from High Density Residential HDR to General Commercial GC.

I. PROPOSAL DATA

Applicant: J. Ben Reid
420 Roy Street
Sherwood, Oregon 97140

Owner: Mary Lockwood
26271 NE Butteville Road
Aurora, Oregon 97002

Location: Located at 21405 Pacific Highway and further described as Tax Lot 100, Map 2S-1-30D.

II. BACKGROUND DATA

The applicant is proposing to move his existing tractor and rental business from the Six Corners shopping center to the subject site. The current zoning of the site is residential and does not permit the proposed use.

III. SHERWOOD CODE PROVISIONS

- A. Chapter 2 Section 2.105 High Density Residential HDR zone.
- B. Chapter 2 Section 2.109 General Commercial GC zone.
- C. Chapter 3 Section 3.200 Public Notice Requirements
- D. Chapter 4 Section 4.100 Application Content.
- E. Chapter 4 Section 4.200 Plan Amendments.
- F. Sherwood Community Development Plan.

IV. SHERWOOD COMMUNITY DEVELOPMENT PLAN

A. Commercial Land Use Findings

1. The shopping center has established a pattern for the expansion of a commercial business center in the six corners area. The Plan states that six corners and downtown are the two retail areas in the

city. Since over 75% of the incorporated area zoned for retail use is developed, the Plan identifies the need for additional retail acreage during the planning period. According to Table IV-10, Sherwood needs an additional 27 acres of retail commercial space by the year 2000 as has been allocated within the UGB.

2. The Plan also states that the Sherwood area is favorably situated for various kinds of non-retail enterprises which distribute goods and services throughout the county. An additional 25 acres is anticipated to meet commercial land use needs by the year 2000.

Response: The estimated growth projections of the Plan have not been realized. However, growth has occurred outside the UGB and within the Sherwood market area. It appears at this time that growth anticipated by the Plan will occur in the later part of the planning period, eventually creating the demand for additional commercial space. The subject property is in the six corners commercial area and provides a needed expansion opportunity for an existing business. The Plan anticipates the need for additional commercial acreage and encourages the expansion of an existing business. However, there are currently an estimated 110 gross acres of vacant commercial land available in the UGB.

B. General Commercial Objectives

1. Provide for commercial activities which are suitable to regional, community and neighborhood demand.
2. Locate commercial activities with safe and convenient access by customers.
3. Encourage the location of commercial uses in well-planned commercial centers.

Response: The proposed tractor sales and rental and hardware business is a suitable commercial activity in Sherwood evidenced by the fact that it has outgrown its current facility. The business serves the region and Sherwood. The site is in the six corners commercial area.

C. Commercial Policies and Strategies

1. Commercial activities will be located so as to conveniently serve customers.
2. Commercial uses will be developed so as to compliment rather than detract from adjoining uses.
 - a. Strip commercial development will be avoided and the number and locations of commercial use accesses will be limited along major streets.

Response: Because of an abrupt grade difference from the highway and the building site, highway speed and the lack of a deceleration lane, access

to the site is difficult. The proposed use is not complimentary to the existing residential surroundings. The proposed change in zones will extend the six corners commercial area in a strip commercial manner. The proposed use will be limited to one highway access point.

D. General Commercial Designation

This designation is intended to provide wholesale commercial uses which may not be appropriate in central retail areas or within residential neighborhoods. This designation is applicable:

- o Where uses may be separated from primarily retail and personal service land uses.
- o Where impacts on residential uses can be minimized.
- o Where adequate off street parking, good pedestrian access and access onto major streets is or can be made available.
- o Where a full range of facilities and services can be provided.

Response: The subject property is surrounded on three sides by residential zones and uses. Across the highway and on the fourth side the land is zoned General Commercial and is vacant. Space for parking is available, but pedestrian access is not good and truck and auto access is currently difficult. Urban services are available to the site.

E. Residential Land Use Findings

1. Residential growth in Sherwood has been slow and the area is characterized by single-family uses. The Plan identifies the need to increase the amount of multi-family residences. The Plan also identifies the need for 638 acres of vacant residential land by the year 2000. As in the case of the commercial inventory, it appears that these stated land needs will occur in the later part of the planning period. There have been significant changes to the Plan since the 1980 adoption. It is not known whether the current plan has increased or decreased the residential inventory from that adopted in 1980.

Response: The proposed amendment eliminates three (3) acres from the inventory zoned for high density residential use. This is equivalent to 53 housing units. The change decreases the opportunity for multi-family housing encouraged by the Plan. However, because of the lack of a current inventory, that decrease may have been already compensated for. At the time of Periodic Plan Review the city will be able to fully analyse the changes and the current land use supply.

F. Parks and Open Space Features

1. Greenways

An open space system consisting of the floodplain of Cedar Creek and Rock Creek will be acquired and preserved for public use as passive open space and natural drainageways. Creek greenways will be linked to a regional greenway along the Tualatin River. A principal use of the greenways will be to provide for linkages between parks and major activity centers.

2. Finance, Acquisition and Maintenance of Recreational Areas and Facilities.

The City will acquire portions of the proposed greenways according to the following procedures:

a. Require the dedication of the greenway portions of proposed new development as part of the standard on-site or public park and open space requirements.

Response: A portion of Cedar Creek crossed the southwest corner of the subject property and is designated floodplain. In accordance with the Plan, this area should be specifically identified and dedicated to the city.

V. FINDINGS OF FACT

A. The subject property is 3.3 acres in size and is unoccupied except for some unused agricultural buildings. The site has a substantial slope from the northwest corner to the southeast corner. There are numerous large trees on the property.

B. The property is zoned High Density Residential and has a potential for fifty three housing units.

C. There are no known soils limitations, although the applicant did not provide any topography or soils data.

D. A portion of the Cedar Creek floodplain crosses the southwest portion of the site, extending about 100 feet into the property.

E. There are no known natural, historic or cultural features on the site.

F. Current approved access to the property is from a 25 foot driveway at the northeast corner. This driveway is closely aligned with 12th Street on the other side of the highway, but there is no ability to cross the highway. Traffic volumes in the area have not been supplied by the applicant. The nearest access point is about 80 feet to the north into the Driftwood Mobile Park. Highway 99 is in good condition and there are no known improvements planned adjoining the site. The Six Corners re-alignment and associated improvements begin about 1000 feet to the north of the site.

There is a bicycle lane in the right-of-way adjoining the site. ODOT was notified of this request and to date have informally replied suggesting a shared access improvement with the Driftwood development. There is a significant slope from the highway to the proposed building site in the area of the driveway. Modification to the terrain for improved access is likely. There are no deceleration or acceleration lanes in and out of the driveway.

G. City sewer and water service is available to the site and must be extended to the property. Storm drainage occurs naturally into Cedar Creek. The Tualatin Fire District has been notified and has indicated that at the time of development fire fighting access roads and water supplies shall meet the requirements of the Uniform Fire Code.

H. Surrounding land use consists of a residential mobile home park to the north; low density residential and agricultural to the west; Cedar Creek to the south and multi-family residential and vacant commercial land to the east.

I. Washington County was notified and responded with a letter attached as an exhibit to this application. The county is concerned about safe access to the highway and have suggested aligning the driveway with NW 12th, shared access with the adjoining tax lot and adequate lane space for trucks entering and leaving the property.

J. Plan Amendment Criteria

1. **The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.** The Plan strongly encourages an increase in multi-family housing compatible with adjacent land uses and near public facilities. This proposal conflicts with that goal, although it is not clear if the loss of this area for multi-family development has already been compensated for through Plan amendments. However, the Plan also identifies the six corners area as a commercial center. The site was not planned for commercial use in 1980 but in the future will be considered a part of the six corners center. Since there are an estimated 110 acres of vacant commercial land in Sherwood now, it is difficult to prove the need for more. But the proposed use is an expansion of an existing business which the Plan supports. It is possible that other commercial sites are not available for the use.

2. **There is a need for the particular use and the zoning proposed.** There is a need to move the existing business from its non-conforming location in the shopping center in order for the business to grow. There is not a need in general for more commercially zoned land in Sherwood.

3. **The proposed amendment is timely and services are available.** The proposal affects an existing business that has outgrown its current facility and is not appropriate for the shopping center location. The business provides a needed community service. The subject property has

the required public facilities, is available and meets the need of the applicant.

4. **Other similarly zoned land is unavailable for the proposed use.** There is other land in Sherwood zoned General Commercial and for sale.

VI. CONCLUSION

The subject property is vacant, available, attractive to the applicant, close to six corners and is suitably sloped to display agricultural equipment. The requested zoning tends to result in strip commercial development extending from six corners south. The proposal defeats a goal of the Plan to encourage more high density development. However, it appears that there is still no market for such development in Sherwood and that those needs may have to be met at a later date in the planning period. Approval of the request may set a precedent for future highway commercial zoning.

The site has access problems that need to be resolved. Cars and trucks traveling 55 mph are not going to easily slow down for large trucks maneuvering towards a steep, narrow driveway into the subject site. It is important that measures be taken to protect the highway status of 99W and to avoid future congestion in Sherwood.

VII. RECOMMENDATION

Staff recommends approval of the request to designate the subject property General Commercial GC subject to the following conditions:

A. Access to the site shall be combined with the adjoining Tax Lot 1200. The specifics of access location shall be considered during site plan review.

B. A deceleration and acceleration lane shall be provided approaching the point of access. The specific lane design shall be approved by ODOT.

C. The area defined as Cedar Creek floodplain on the subject site shall be dedicated to the city.

D. At the time of development, city water shall be extended the length of the property's highway frontage.

Staff Use

CITY OF SHERWOOD
APPLICATION FOR LAND USE ACTION

CASE NO. _____
FEE 4500
RECEIPT NO. 01042
DATE 4-14-88

Type of Land Use Action Requested

- Annexation
- Plan Amendment Minor
- Variance (4 acres or less)
- Planned Unit Development
- Conditional Use
- Minor Partition
- Subdivision
- Design Review
- Other _____

Owner/Applicant Information

	NAME	ADDRESS	PHONE
Applicant:	<u>Ben Reid</u>	<u>420 Ray St</u>	<u>625-7822</u>
Owner:	<u>Mary Lockwood</u>	<u>26279 NE Butterville Rd, Aurora</u>	<u>97002</u>
Contact for			
Additional Info:	<u>Ben Reid</u>		<u>625-5549</u>

Property Information

Street Location: 21405 Pacific Hwy, Sherwood

Tax Lot No. 1100: 2S1300 Acreage 3 1/3 ac

Existing Structures/Use: lean to's

Existing Plan Designation: HDR

Proposed Action

Proposed Use Equipment Dealership + Rental

Proposed Plan Designation GC

Proposed No. of Phases (one year each) 1

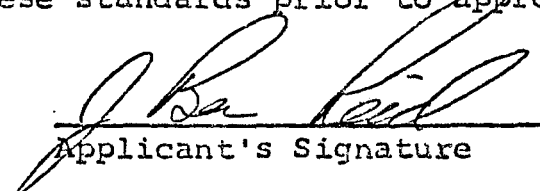
Standard to be Varied and How Varied (Variance Only) _____

Purpose and Description of Proposed Action: _____

Authorizing Signatures

I am the owner/authorized agent of the owner empowered to submit this application and affirm that the information submitted with this application is correct to the best of my knowledge.

I further acknowledge that I have read the applicable standards for review of the land use action I am requesting and understand that I must demonstrate to the City review authorities compliance with these standards prior to approval of my request.



Applicant's Signature

14 Apr 88

Owner's Signature

To Be Submitted With The Application

To complete the application submit nine⁽¹³⁾ copies of the following:

1. A brief statement describing how the proposed action satisfies the required findings criteria contained in the Comprehensive Plan for the action requested.
2. Applicable existing conditions and proposed development plan information and materials listed in Part 3 Chapter 1 TABLE 4.04 of the Comprehensive Plan. The information in TABLE 4.04 which is applicable to a given application shall be determined during a preapplication conference with the Planning Department.

Application Information

The enclosed application is being presented for rezoning by J. Ben Reid on behalf of the registered owner Mary A. Lockwood 26271 N.E. Butterville Curson, &

This property is located on 99W (maps ad) and we are requesting that this be rezoned to Gen. Com. to allow us to build a building to house our current operation now located in the Sherwood Plaza.

As the maps show the current easements to this 3.34 acre parcel and all other property information that you request.

Our plan is to set the building on the high part of the property, and blacktop the driveway and a 75 ft wide area around the building as shown on the map. We then plan to terrace the Hwy. side down to road level and use this area for Equip. display, and will be landscaped with grass and low ground cover. The flood plain per the County extends only about 5 ft into the lower end of the property, and this area will only be gravel or grass area, and the entire property has natural drainage to the creek.

(2)

The property ~~is~~ now only has some old buildings (or sheds) that are falling down, and these will be destroyed. It is my understanding that all utilities are currently available to this property, and city water & sewer are at, or nearby.

The trees that we will need to remove in order to build, are in poor condition and will be no great loss.

The only obstacle I can see with this property is the currently allowed easement is 50 ft. according to the deed, and I feel that 90' to 100' would make the access to and from the property much easier for large trucks.

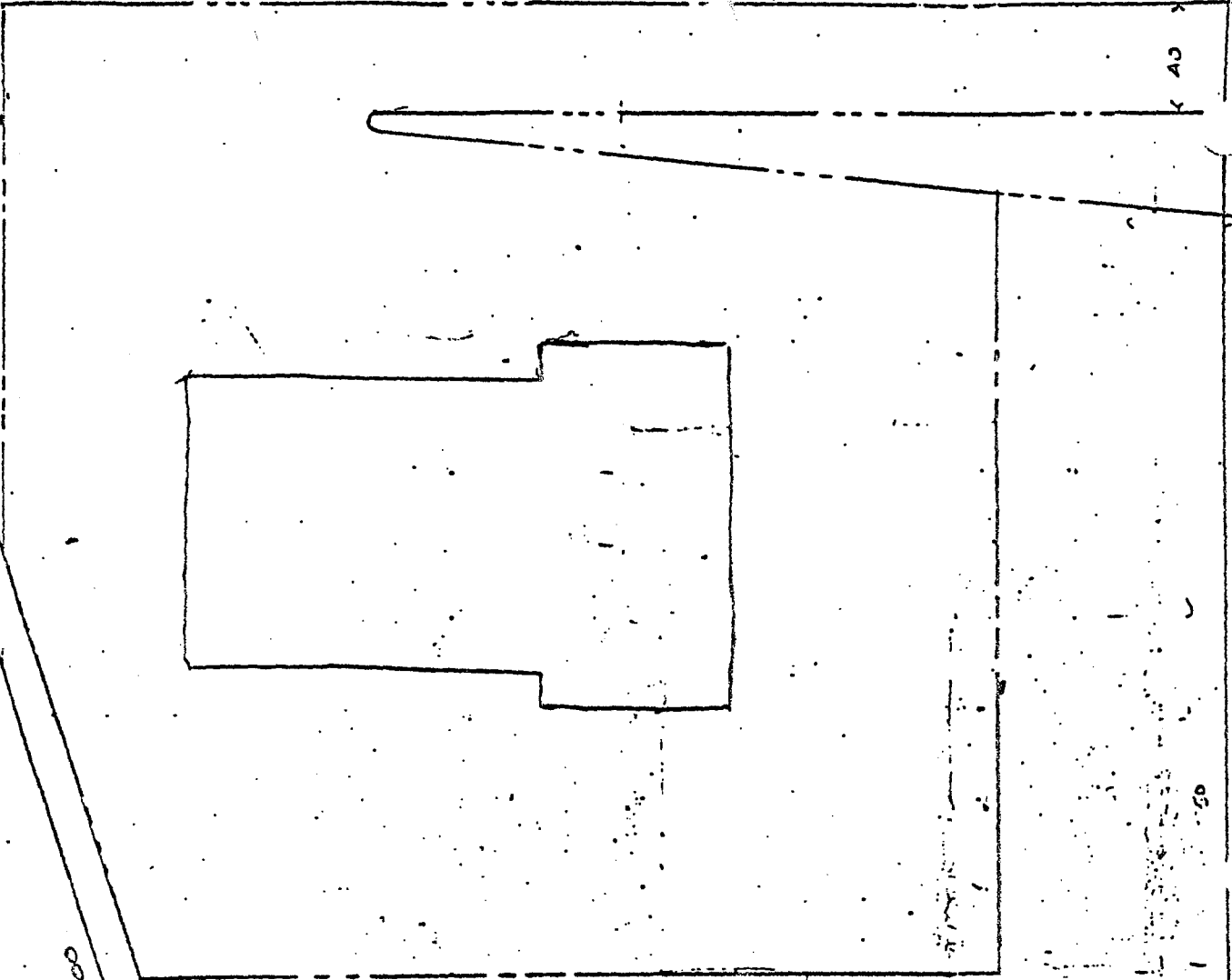
I feel that this location would be much better for our customers as well as for the Dix Coenew area and the City of Sherwood, as we have currently outgrown our present location and we often cause additional traffic problems because of our trucks and equipment holding up traffic at the entrance off Ely Rd., as well as interfering with traffic on Ely Rd. itself.

With your approval our plan is to start ~~the~~ development this fall if all goes right, if not we feel we can get started in no ~~less~~ ^{more} than 18 months.

We would like your approval as soon as possible so we can continue with the necessary buying, planning, approvals, bidding, and financing.

Thank You,

J. Ben Reid



1/1 = 50

500

500

500

500

50

50

40

70

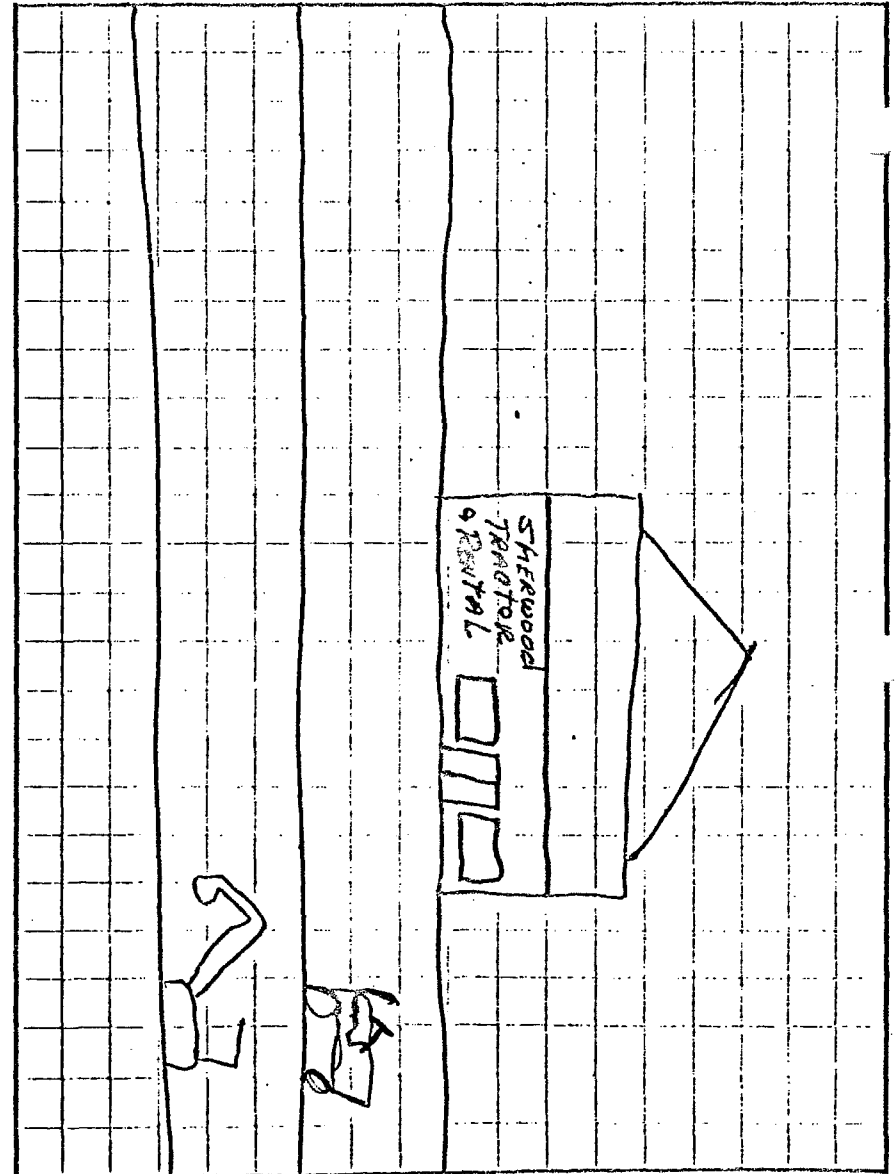
SHERWOOD TRACTOR & RENTAL CENTER

1514 N. SHERWOOD BLVD

SHERWOOD, OR 97140

PHONE: (503) 625-5549

QUOTE GOOD FOR _____ DAYS



City of Sherwood
Planning Commission Meeting
July 18, 1988

1. ~~Call to Order: Chairman Glen Warmbier called the meeting to order at 7:30 p.m. Those present were: Vice Chairperson Marian Hosler, City Planner Carole Connell, Grant McClellan, Ken Shannon, Jim Scanlon, Gene Birchill and Joe Galbreath. Clarence Langer, Jr. and Glenn Blankenbaker were absent.~~
2. ~~Approval of Minutes: Joe Galbreath moved to accept the minutes of 6/20/88 as written and Marian Hosler seconded. The motion carried unanimously.~~
3. ~~Bilet Products Status Report: As Mr. Blakeslee of Bilet Products was out-of-town, this item was tabled until the next meeting.~~
4. ~~Site Plan Approval Request by the Sherwood School District to Add a Modular Classroom: Carole Connell reviewed the Background Data and Findings of Fact from the Staff Report. Staff recommended approval with conditions. Carole noted that there was a difference in height between the planned modular building and an existing modular building. Mr. Bill Willey, representing the School District advised that the 20 foot separation requirement between the existing and the proposed building would be satisfactory. He explained also that the height of the proposed building was standard and could not be changed.~~

~~Mr. Scanlon moved to approve the request with staff recommendations. Mr. Shannon seconded and the motion carried unanimously.~~

5. Public Hearings

- a. Request by Ben Reid for a Minor Plan Amendment from HDR to GC. Mrs. Connell reviewed the Background Data and Findings of Fact from the Staff Report. She noted that it was a timely request as the business had outgrown its present facility which is currently a non-conforming use. She also noted that with the Six Corners and Western Bypass road improvements being approved by the State, the proposed location was an appropriate site for this type of business. Mrs. Connell advised that the access to the property would have to be improved for safety purposes and easier access. Staff recommended approval with conditions.

Mr. Warmbier opened the public hearing and called for proponent testimony. Mr. Reid, the applicant, said that he was under the impression that the area designated as floodplain on the proposed site had already been dedicated either to the city or the county. Mr. Warmbier called for opponent testimony. Mr. Zettlemyer of Driftwood Mobile Home Park, 21305 SW Pacific Hwy. said that if he had to share a driveway with the True Value Store it would effect the way he has been able to bring the mobile homes into the park and he would not be able to bring them in without them dragging on the ground.

Mr. Dan Pfeiffer of Portland advised that he has an agreement to purchase the mobile home park from Mr. Zettlemyer and had plans to add spaces and generally upgrade the park. He felt that this change of zoning would have a negative impact on the park. He did not feel that this commercial business was compatible with the mobile home park. Mr. Hal Hewitt of Greenhill Associates representing Mr. Pfeiffer reviewed the criteria for a Plan Amendment and the conditions which should be met. He did not feel that the conditions were being met. He explained further in his opinion that property adjoining an existing residential site should not be rezoned commercial.

There being no further opponent testimony, Mr. Warmbier closed the public hearing. Mr. Birchill asked Mr. Reid if he had explored other commercial sites in the area. Mr. Reid replied that he had but had not been successful in finding an available site which suited his needs as this property did.

After further discussion, Mr. Shannon moved to recommend to the City Council that the request be approved with staff recommendations contingent upon Mr. Reid returning in 60 days for Site Plan Review with an approved transportation plan before the zoning would be effective. Staff recommendations are as follows:

- A. Within 60 days of the approval date, the applicant shall submit a site plan and transportation plan for Planning Commission approval. The General Commercial GC zoning shall not go into effect until the site plan is approved.
- B. A deceleration and acceleration lane shall be provided approaching the point of access. The specific lane design shall be approved by ODOT.
- C. The area defined as Cedar Creek floodplain on the subject site shall be dedicated to the city.

D. At the time of development, city water shall be extended the length of the property's highway frontage.

Mr. Galbreath seconded and the motion carried with Mr. Scanlon voting nay.

B. Request by Greenhill Associates for a Major Plan Amendment from HDR to MDRH. Mrs. Connell reviewed the Background Data and Findings of Fact. She advised that this zoning change is appropriate because of the upgrading and addition of spaces to the park. She noted that only the MDRH zone permits mobile home parks, as a conditional use. Staff recommended approval of the Plan amendment to redesignate the subject property Medium Density Residential High MDRH subject to recommended conditions.

Mr. Warmbier opened the public hearing and called for proponent testimony. Mr. Hal Hewitt of Greenhill Associates said he felt it was necessary to separate land uses when you have joint accesses. He said that if he must dedicate 20 feet along the rear of the property line this will eliminate 2 trailer spaces. He also noted that Mr. Pfeiffer has approached this transaction after much research and work and he plans to bring \$50,000 into the park for upgrading, etc. He said he needs the 56 sites in order to make the project feasible.

Mr. Warmbier called for opponent testimony. There being none, he closed the public hearing.

Mr. Birchill asked if the applicant would be willing to sign a nonremonstrance agreement. The applicant agreed to this. Mr. Zettlemoyer said he already has a deceleration and acceleration lane which was required by Washington County when he put in the park.

After further discussion, Mrs. Hosler moved to approve the request for a major plan amendment with the following conditions. The commission decided not to require a combined access with parcel 1200.

A. The owner shall agree to participate in a non-remonstrance agreement for a future local improvement district to improve a proposed collector street adjoining the property, and for other future public facilities.

B. 15 feet shall be provided for a visual corridor along the HWY 99W frontage and existing trees within that 15 feet shall be retained.

Mr. Shannon seconded and the motion carried unanimously.